

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

No claims are currently being cancelled.

Claims 2, 4, 5, 7, 8, 10, 12-15, 18 and 20-23 and 25-30 are currently being amended.

Claims 31-38 are currently being added.

This amendment adds and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2, 4-8, 10, 12-15, 18, 20-23 and 25-38 are now pending in this application.

**Claim Rejections – Prior Art:**

In the Office Action, claims 26, 28 and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,683,924 to Ottosson; claims 6, 14 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ottosson; and claims 2, 4, 5, 7, 10, 12, 13, 15, 18, 20, 21, 23, 25, 27 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ottosson in view of U.S. Patent No. 6,912,227 to Chang. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

The Office Action correctly recognizes that Ottosson does not teach a threshold setting means for setting the threshold based on correlation value information for incoming signals selected in a previous cycle. However, the Office Action incorrectly asserts that Chang discloses these features. Rather, column 5, lines 56-58 of Chang describes that a threshold is set based on a maximum value from among three candidate values: a) an initial threshold value, b) a previous threshold value, and c) a correlation value. Thus, unlike the features recited in each of the presently pending independent claims, Chang does not teach or suggest setting a threshold based solely on the finger assignment data obtained in the previous cycle.

Accordingly, each of the presently pending independent claims patentably distinguishes over the cited art of record for at least this reason.

In addition, each of the presently pending independent claims has been amended to recite additional features of the invention seen best in Figure 2 of the drawings, whereby such features are not disclosed, taught or suggested by the combination of Ottosson and Chang. For example, a path location comparing section provides unmatched path location data to a level comparing section, which utilizes that unmatched data, along with the threshold data output by the threshold calculating section, to select incoming signals according to a result of a comparison even if the incoming signals do not meet a predetermined condition.

**New Claims:**

New claims 31-38 have been added to recite additional features related to guard level control, whereby such features are not disclosed, taught or suggested by the combination of Ottosson and Chang.

**Conclusion:**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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